

Ch 10 Congress

1. Congress—112th started in January 2011
 - A. Two houses of Congress—**House of Representatives and the Senate**—formed a bicameral legislature because of history, practicality, and theory.
 - B. Term of Congress lasts two years. Divided into two sessions—one per year.
 - C. Special sessions of Congress can only be called by the President in the case of emergency.
2. House of Representatives
 - A. Size
 - i. 435 members—decided by Congress—not a number set by the Constitution.
 - ii. **Census Bureau**—every 10 years the re-apportion the 435 members based on each state's population
 - iii. California—55—Iowa 5—Seven states with 1
 - iv. District of Columbia, Guam and others elect a delegate that is not a member and cannot vote.
 - B. Term
 - i. Serve a two year term
 - ii. Incumbents have a big advantage in getting reelected
 - iii. There are no term limits
 - C. Election
 - i. Election day—The first Tuesday after the first Monday in November
 - ii. State Legislatures divide the state into voting districts and each district elects a representative—**Gerrymandering** is illegal
 - iii. **Wesberry v. Sanders** (GA)—one man one vote
 - iv. Urban areas are rapidly gaining votes and rural areas are losing them
 - v. **Off year elections**—election year where the Presidency is not being decided—usually the party in power loses seats in both houses
 - D. Requirements to serve
 - i. Must be at least 25 years old
 - ii. Must be a citizen for at least 7 years
 - iii. Must be an inhabitant of the state you are elected from
 - iv. Must live in the district you are elected from—tradition not in Constitution
3. Senate
 - A. Size
 - i. 100 members—two from each state
 - ii. Framers wanted the Senate to be more of an enlightened and responsible body
 - iii. Represent an entire state—more diverse population and a broader range of interests.
 - B. Term
 - i. 6 year term—unlimited –Strom Thurmond (R. SC) served nine terms.
 - ii. Staggered terms—only 1/3 expire every 2 years (max of 1 per state) which provides a **Continuous body**

- iii. Longer terms—more job stability, less likely to be pressured by public opinion—larger constituencies are designed to help Senators focus on the “big picture”

C. Election

- i. Originally chosen by state legislatures until the **17th Amendment** which allowed the people to vote on Senators

D. Requirements to serve

- i. 30 years of age
- ii. Citizen of U.S. for at least 9 yrs
- iii. Must be from the state from which he/she is elected

4. Members of Congress

A. Characteristics of Members

- i. Most are white males
- ii. Average age is upper 50's—physical and intellectual peak of a person's life
- iii. One-third are lawyers
- iv. Jeanette Rankin—First woman-Republican—1916-1919 and 1941-1943—voted against WWI and WWII
- v. More women, African Americans, Hispanics, and Asian Americans being elected
- vi. Nearly all members are married, average 2 children, religiously affiliated, nearly all have been to college, considerable political experience

B. Roles

- i. Legislator and representative of their constituents
- ii. Committee members—must screen proposals and decide what goes to the floor—oversight function—monitor agencies of the Executive branch
- iii. Servants of their constituents
- iv. Politicians

C. Voting Options

- i. **Trustee**—each question must be decided based on its own merits
- ii. **Delegate**—agents of constituents—vote the way people back home would
- iii. **Partisans**—vote based on the stance of their party
- iv. **Politicos**—try to balance the elements of the previous three

D. Regulation of Members

- iv. Can only refuse to seat a member if they do not meet requirements
- v. Can punish and remove members for “bad behavior”

E. Salary and benefits

- i. wages \$162,000 per year
- ii. Health and life insurance
- iii. **Franking Privilege**—free mailing of letters—Average amount is \$109,000
- iv. Pension—over \$150,000
- v. Tax deduction for 2 houses
- vi. Free air travel
- vii. **Speech and Debate Clause**—cannot be sued for slander or libel arising out of their official conduct

Chapter 11 Congress

1. Three Forms of Congressional Power
 - A. **Expressed Powers**—Powers given to congress, written directly in the Constitution
 - B. **Implied Powers**—Power not directly given to congress but “reasonably suggested”. Implied powers derived from the Necessary and Proper Clause
 - C. **Inherent Powers**—Powers traditionally given to governments. Power to expand territory, regulate immigration
2. Strict v Liberal Construction
 - A. **Strict Constructionists—led by Jefferson**—argued that the only powers granted to congress should be the expressed powers and the implied powers needed to carry out the expressed powers. Wanted to keep power in with the states.
 - B. **Liberal Constructionists—led by Hamilton**—favored a broad interpretation of the Constitution and a broad construction of power to congress. Over the years, factors like wars, economic crisis, national emergencies, plus a general consensus from the people for a broader interpretation

Expressed Powers

1. Taxation—charge on people or property to raise money for public needs
 - A. Congress may levy taxes to meet public needs, protect domestic industry, and protect public health and safety.
 - B. Four Explicit Limitations on Taxation Power:
 - i. No taxation for private benefit
 - ii. No taxes on exports
 - iii. **Direct taxes**—taxes paid directly to the government
 - iv. **Indirect taxes**—taxes paid to a person or business before being paid to the government
2. Power to Borrow
 - A. Congress may borrow money to finance its business
 - B. The Federal Government often spends more than it takes in
3. Commerce
 - A. Congress may regulate interstate and foreign trade
 - B. Power to regulate all trade between individual states and nations
 - C. Commerce power implies many other powers, but does have limits
4. Currency
 - A. Power to coin money and regulate its value—SC ruled paper money legal in 1871—legal tender—any kind of money that a creditor must by law except in payment for debts

5. **Bankruptcy**—legal proceedings in which assets are distributed among who the debt is owed.
 - A. Make bankruptcy laws, a concurrent power
6. Foreign Relations/War Powers
 - A. Deal with foreign states, shares this power with the President
 - B. Declare war, raise and support military
7. Additional Powers
 - A. **Naturalization**—foreign citizens become U.S. citizens
 - B. Postal Power—set up post offices
 - C. Copyrights and Patents—rights over publications and inventions

Copyright—exclusive right of an author to reproduce, publish, or sell his or her creative work

Patent—grants a person the sole right to manufacture, use, or sell “any new and useful art, machine, manufacture, or composition of matter, or any new or useful improvement.
 - D. Weights and Measures
 - E. Power over Territories and other Areas—power to acquire, manage, and dispose of federal areas.

Eminent domain—ability of the government to take private property for public use
 - E. Judicial Powers—set up federal courts below the SC

Implied Powers

1. **Appropriation**—assign to a particular use—Example—Education—Congress appropriates more than \$30 billion a year to fund education
2. **Necessary And Proper Clause**—power to make all laws needed to carry out the powers vested by the Constitution to Congress
3. **McCulloch vs Maryland, 1918**

NonLegislative Powers

1. Constitutional Amendments—Congress may propose an amendment
2. Electoral Duties—may be asked to elect a President if a majority is not reached (House). May be asked to vote on a successor, replacement, of the Vice President (25th Amendment)
3. **Impeachment**—accuse, bring charges—requires a majority vote by the House and a 2/3 votes by the Senate to convict.
4. Executive Powers—given to Senate
 - i. Appointments—all major appointments by the President must be confirmed by the Senate
 - ii. Treaties—works with the President on treaties and must accept or reject a treaty.
5. **Investigatory Power**—usually in committees or subcommittee—may investigate: to gather information for legislation, oversee executive branch agencies, focus on a particular subject, expose questionable activities by a public official, or to promote the particular interest of some members of Congress.

Ch 12 Congress in Action

1. State of the Union Address
 - A. Once both houses are organized, a joint committee is formed which informs the President they are ready to receive any communication he may be pleased to make.
 - B. At the end of January, early February, the President gives an annual address to a joint session of congress, the cabinet, Supreme Court Justices, and other diplomats and dignitaries.
 - C. Address is a report of both domestic and foreign policy terms and is really a message to the American people and the rest of the world
2. Presiding Officers
 - A. **Speaker of the House**—presiding officers of the House and leader of the majority party. Job is to preside and keep order, interprets and applies rules, puts motions to vote, may be the deciding vote if needed, names all select and conference committees, and signs all bills.
 - B. **President of the Senate**—Vice President—less powerful than the Speaker of the House—does have the usual powers of a presiding officer, but cannot debate and can only vote to break a tie. Influence on the Senate is only because of relationships and personal abilities.
 - C. **President Pro Tempore**—serves in the absence of the VP. Elected by the Senate and is the leading member of the majority party—usually longest serving member
3. Party Officers
 - A. **Party Caucus**—closed meeting of the members of each party.
 - B. **Floor Leaders**—party officers—selected by their colleagues to carry out decisions and to steer floor action
 - C. **Whips**—assistant floor leaders—serve as a liaison—two way link between floor leaders and rank-in-file members
 - D. **Committee Chairman**—members who head the standing committees in each chamber
4. Committees
 - A. Divide up the work of Congress
 - B. Bills are started here and most are pigeonholed—(killed)
5. Committee Chairpersons—6 year term
 - A. Members of and selected by the majority party
 - B. Set the agenda—decide what bills will be heard and when
6. Seniority Rules
 - A. Committee assignments are based on seniority
 - B. Parties vote on secret chairs—sometimes seniority doesn't matter
 - C. **Party Ratios**—the % of members that each party has determines the number they have on each committee

7. Standing Committees

- A. Permanent committees that meet every year
- B. 20 in the House and 20 in the Senate

8. Main House Committees

- A. **Rules**—called the “traffic cop”—they set the rule for the bills and determine when and if they get to the floor for debate and a vote
- B. **Ways and Means**—all tax bills (revenue bills) start here
- C. **Appropriations**—the money committee—all the bills that require money must go through this committee.

9. Main Senate Committees

- A. **Finance**—tax committee in the Senate
- B. **Appropriations**—Money—Senator Harkin is on this committee
- C. **Banking and Agriculture**—both are important to Iowa

10. Select Committees

- A. Are temporary committees that are set up to deal with a special need
- B. Watergate, Whitewater and the CIA leak committees are examples

11. Joint Committees—House and Senate serve together on standing committees—example—joint economic committee

12. Conference Committee—joint committee that meets to iron out the differences in the House and Senate versions of a bill

15. Bills—proposed laws

- A. May start in either the House or the Senate (except for tax bills)
- B. About 10,000 bills are introduced each term, only about 600 become laws
- C. 50% of all bills that are passed are recommended by the President and introduced by members of his party

16. Public Bills—apply to the nation as a whole

17. Private Bills—apply to a person or a small group of people—ex-a bill that would pay Wyoming ranchers for livestock that were killed by endangered species like wolves

18. Riders—a bill that is attached to a bill but does not have anything to do with the original—many are **pork barrel projects** to benefit a certain group within a legislator’s district—if a bill contains many riders, it is called a Christmas tree bill.

19. Joint Resolution—House and the Senate meet together and pass a resolution which has the force of law—examples include declarations of war and starting an amendment process.

20. Concurrent Resolution—Used to state a position on an issue—does not have the force of law

21. **Resolution**—deals with matters only concerning one house—does not have the force of law and does not need the signature of the president.

22. **Steps in a bill becoming a Law**

A. Committee

- i. bill is introduced in the House or the Senate and assigned to a committee
- ii. Committee chair and senior members of the committees have the major say in which bills are debated and voted on
- iii. To get through the floor, the bills have to make it through numerous committees
- iv. **Discharge petition**—a petition in the House with 218 signatures send the bill out of committee and to the floor for debate and a vote

B. Put on the calendar—a date and time is set for debate

C. Rules Committee grants a rule—decided in the House when a bill will be heard and sets the rules of debate

D. Debate on House floor

- i. Each party gets a specific amount of time and the debate is controlled by the speaker
- ii. **Quorum**—one half of the members plus one are needed to debate and vote—218 in the House and 51 in the Senate
- iii. **Committee of the Whole**—the House can adjourn into the committee of the whole—it requires that 100 members be present—they can debate but not vote—the speaker steps down

B. House Voting

- i. amendments to the bill—proposed changes to the original bill that must be voted on first
- ii. voice votes—ayes and nays
- iii. Standing votes
- iv. **Roll call vote**—main method—takes about 45 minutes if the clerk calls each members name—most of the time it is done electronically—members can vote yes, no, or present

23. House rules on debate—1 hr max per person—unless there is a unanimous vote—each party has a set time and they choose how to divided it up among their speakers

24. Senate rules on debate—

- A. Senator who has the floor may speak as long as he/she wishes
- B. **2 speech rule**—a Senator may not speak more than 2x on the same issue on the same day
- C. **Filibuster**—used to stall a vote—a Senator or a group of Senators keep the floor
- D. **Cloture**—way to force an end to a filibuster—requires 16 signatures on a petition and 3/5 majority vote (60)—they they have 30 more hours of debate before a vote

25. Presidential actions on a bill

- A. Sign bill into law
- B. Veto—Congress can override with 2/3 majority
- C. Do nothing for 10 days and the bill automatically becomes law
- D. If there are less than 10 days left in the term and the President does nothing, it becomes a **pocket veto**—the measure then dies